



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.: 10/542,180
Filed: 19 December 2005
By: Kunze et al.
For: Baked Rye Product

Examiner: Krause, Andrew E.
Group Art Unit: 4152
Confirmation No.: 7854

P.O. Box 381516
Cambridge, MA 02238-1516
16 April 2009

Hon.
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Letter

Sir:

In reviewing their amendment dated 23 January 2009 Applicants' attorney noted an apparently inadvertent omission in their response.

Under point 1 of his Office Action of 30 October 2008 the Examiner has alleged the oath or declaration to be defective for lack of execution pursuant to 37 C.F.R. 1.66 or 1.68. In Applicants' opinion this allegation is without merit as they submitted, under date of 16 December 2005 their properly executed declaration as well as their Assignee's Certificate of Small Entity Status receipt of which the Patent and Trademark Office acknowledged on 19 December 2005.

For the Examiner's convenience, Applicants are herewith submitting a copy of that correspondence.

Respectfully submitted,

Karl Hormann
Registration No.: 26,470
Customer No. 30234

Area Code 617.491.8867
Enclosures

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

Docket No.
050694-US

Application No.
10/542,180

Filing Date
13 July 2005

Patent No.

Issue Date

Applicant/ KUNZE et al.
Patentee:


Invention: Baked Rye Product

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: LGV Institut fuer Getreideverarbeitung GmbH.

ADDRESS OF CONCERN: Arthur-Scheunert-Allee 40/41, D-14558 Bergholz-Rehbruecke, Germany

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).



Attorney Docket: 050694-US
Application No: 10/542,180
Filed: 13 July 2005

Inter'l. Application No.:

Inter'l. Filing Date:

The stamp of the Patent & Trademark Office hereon may be taken
as acknowledging the receipt, on the date stamped, of
Executed Declaration; Check 7373 - \$65.00;
Cert. of Small Entity Status

IAP4 Rec'd PCT/PTO 19 DEC 2005

KARL H. HORMANN P.O. BOX 381516 CAMBRIDGE, MA 02238-1516		5-13/110 0083163452	7373
DATE		16 December 2005	
U.S. Patent & Trademark Office		\$ 65.00	
PAY TO THE ORDER OF		DOLLARS	
Sixty-Five and Nil/xx		A	
MEMO 37 CFR 1.16(f)		10/542,180 050694-US	
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